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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7468

7590

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2666

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Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No. 09/735,739	Applicant(s) SARKAR ET AL.	
	Examiner Shick C. Horn	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-40 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 16-27 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 6, 14, 15 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/24/04 have been fully considered but they are not persuasive.

In page 14 lines 13-31, applicant argued that Schoo et al. does not teach "communicating protocol capabilities to the station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder" nor "initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder" and "initiating establishment of a second link with the transcoder to enable media exchange with the station using the protocol capability of the transcoder" are not persuasive because Fig. 19 which shows the DSPs and the associated types of transcoding they perform; col. 16 lines 12-48 which recite the use of resource management message to request the DSPs available for transcoding; and Fig. 13 which shows the transcoder, i.e. the HDM cards, linking the PSTN phone client to the edgserver and the User H.323 client clearly anticipate the step of communicating protocol capabilities to the station including the protocol capability of at least one remotely located transcoder; the established first

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link between the station and the transcoder. Col. 1 lines 15-23 which further recite receiving and transmitting data, video and/or audio communication through the system clearly anticipate the second link to enable media exchange with the station using the protocol capability of the transcoder.

In page 15 lines 1-12, applicant argued that Schoo et al. does not teach "memory operable to store a protocol capability of at least one remotely located transcoder" and processor "to generate a second signal to initiate transfer of the call to the transcoder" is not persuasive because col. 12 lines 15-26 which recite the code, i.e. the transcoder software routines, being stored and executed in the HDM, i.e. the transcoder, clearly reads on memory operable to store a protocol capability of at least one remotely located transcoder. Further, col. 18 lines 27-43 which recite the transcoder software supporting data processing, i.e. translation of data between protocols, and call control processing clearly reads on generating the second signal to initiate transfer of the call to the transcoder.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 8, 10, 16, 22, 23, 25, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoo et al. (6,304,574).

Regarding claim 1:

Schoo et al. disclose the method for establishing a call with a station using a transcoder (see col. 18 lines 27-43 which recite the sending signaling and call control data to the transcoder), comprising: communicating protocol capabilities to the station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder (see Fig. 19 which shows the types of transcoding that may be performed, col. 16 lines 12-48, and col. 19 lines 20-28 which recite requesting resource information regarding transcoding for supporting internet telephony); initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder (see col. 19 line 66 to col. 20 line 12 which recite the

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transcoder T1 interface); and initiating establishment of a second link with the transcoder to enable media exchange with the station using the protocol capability of the transcoder (see col. 13 lines 21-51 which recite providing for users of audio/visual and/or data sessions clearly anticipate media exchange).

Regarding claim 8:

Schoo et al. disclose the communication device, comprising: an interface operable to communicate with a network (see col. 3 lines 47-61 which recite the network interface); a memory operable to store a protocol capability of at least one remotely located transcoder (see col. 12 lines 15-26 which recite code being stored and executed in the DSP processor and col. 18 lines 27-43 which recite the transcoder); and a processor coupled to the interface and the memory, the processor operable, in response to initiation of a call (see col. 12 lines 15-26 which recite code being stored and executed in the DSP processor), to generate a first signal to communicate the protocol capability of the transcoder to a station (see Fig. 19 which shows the types of transcoding that may be performed, col. 16 lines 12-48, and col. 19 lines 20-28 which recite requesting resource information regarding transcodings for supporting internet telephony), the processor further operable to generate a second

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signal to initiate transfer of the call to the transcoder (see col. 19 line 66 to col. 20 line 12 which recite the transcoder T1 interface), the processor further operable to generate a third signal to initiate communication with the transcoder to enable media exchange with the station using the protocol capability of the transcoder (see col. 13 lines 21-51 which recite providing for users of audio/visual and/or data sessions clearly anticipate media exchange).

Regarding claim 16:

Schoo et al. disclose the method for establishing a communication session between a first station and a second station (see col. 13 lines 21-32 which recite providing audio/visual and/or data sessions between users), the method comprising: establishing a session identifier associated with the communication session responsive to a protocol capabilities communication between the first station and the second station (see col. 13 lines 33-51 which recite the identification functionality in the protocol); establishing a first link between the first station and a transcoder using the session identifier (see col. 16 lines 12-48, and col. 19 lines 20-28 which recite requesting resource information regarding transcodings for supporting internet telephony); establishing a second link between the second station and the transcoder using

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the session identifier (see col. 19 line 66 to col. 20 line 12 which recite the transcoder T1 interface); and exchanging media between the first station and the second station using the first link and the second link (see col. 13 lines 21-51 which recite providing for users of audio/visual and/or data sessions clearly anticipate media exchange).

Regarding claim 23:

Schoo et al. disclose the logic encoded in media for establishing a call with a station using a transcoder (see col. 18 lines 27-43 which recite the sending signaling and call control data to the transcoder), the logic operable to perform the following steps: communicating protocol capabilities to the station in response to initiation of the call, wherein the protocol capabilities comprise a protocol capability of at least one remotely located transcoder (see Fig. 19 which shows the types of transcoding that may be performed, col. 16 lines 12-48, and col. 19 lines 20-28 which recite requesting resource information regarding transcodings for supporting internet telephony); initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder (see col. 19 line 66 to col. 20 line 12 which recite the transcoder T1 interface); and initiating establishment of a second link with the transcoder to enable media exchange with

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the station using the protocol capability of the transcoder (see col. 13 lines 21-51 which recite providing for users of audio/visual and/or data sessions clearly anticipate media exchange).

Regarding claim 30:

Schoo et al. disclose the apparatus for establishing a call with a station using a transcoder (see col. 18 lines 27-43 which recite the sending signaling and call control data to the transcoder), comprising: means for communicating protocol capabilities to a station in response to initiation of the call, wherein the protocol capabilities comprise the protocol capability of at least one remotely located transcoder (see Fig. 19 which shows the types of transcoding that may be performed, col. 16 lines 12-48, and col. 19 lines 20-28 which recite requesting resource information regarding transcodings for supporting internet telephony); means for initiating a transfer of the call to the transcoder to establish a first link between the station and the transcoder (see col. 19 line 66 to col. 20 line 12 which recite the transcoder T1 interface); and means for initiating establishment of a second link with the transcoder to enable media exchange with the station using the protocol capability of the transcoder (see col. 13 lines 21-51 which

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recite providing for users of audio/visual and/or data sessions clearly anticipate media exchange).

Regarding claims 3, 10, 22, 25:

Schoo et al. disclose wherein communicating protocol capabilities is performed using H.323 signalling protocol (see col. 14 lines 14-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

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order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoo et al. in view of Eastep et al. (6,731,625).

For claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33, Schoo et al. disclose the device and method described in paragraph 3 of this office action. For claims 2, 4-5, 7, 9, 11-13, 17-22, 24, 26-27, 29, and 31-33, Schoo et al. disclose all the subject matter of the claimed invention with the exception of wherein communicating protocol capabilities is performed using a peer-to-peer signalling protocol as in claims 2, 9, 21, 24, 31; wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol as in claims 7, 13, 29, 33; wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station as in claims 4, 11, 17, 26, 32; wherein initiating establishment of a second link with the transcoder comprises

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communicating to the transcoder a call setup request having the session identifier as in claims 5, 12, 18, 27; wherein establishing a second link comprises receiving a transfer notification having the session identifier as in claim 19; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link as in claim 20.

Eastep et al. from the same or similar fields of endeavor teach that it is known to provide communicating protocol capabilities being performed using a peer-to-peer signalling protocol (see col. 54 lines 3-19 which recite the peer-to-peer protocol); wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol (see col. 88 lines 26-32 the voice compression protocol); wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier

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(see col. 397 lines 11-31 which recite the session including an identifier); wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link (see col. 104 lines 3-32 which recite the use of ID to establish the connection). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide communicating protocol capabilities being performed using a peer-to-peer signalling protocol; wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol; wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier; wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging

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media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link as taught by Eastep et al. in the device and method of Schoo et al.

The communicating protocol capabilities being performed using a peer-to-peer signalling protocol; wherein media comprises voice information and the protocol capability of the transcoder comprises a voice compression protocol; wherein initiating a transfer of the call comprises: initiating a consult transfer; receiving a session identifier from the transcoder; and communicating the session identifier to the station; wherein initiating establishment of a second link with the transcoder comprises communicating to the transcoder a call setup request having the session identifier; wherein establishing a second link comprises receiving a transfer notification having the session identifier; wherein exchanging media comprises: associating the first link and the second link using the session identifier; transcoding first information received from the first link for communication to the second link; and transcoding second information received from the second link for communication to the first link can be implemented by using the

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peer-to-peer protocol, session identifier, the voice compression protocol for call setup request of Eastep et al. in the device and method for communication of Schoo et al. The motivation for using the peer-to-peer protocol, session identifier, the voice compression protocol for call setup request as taught by Eastep et al. in the communication device of method of Schoo et al. being that it provides the added feature of providing support for internet telephony.

Allowable Subject Matter

7. Claims 34-40 are allowed.

8. Claims 6, 14, 15, and 28 would be allowable if rewritten to overcome the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



DANG TON
PRIMARY EXAMINER

FIG. 1

FIG. 2

FIG. 3

SH
O.K.

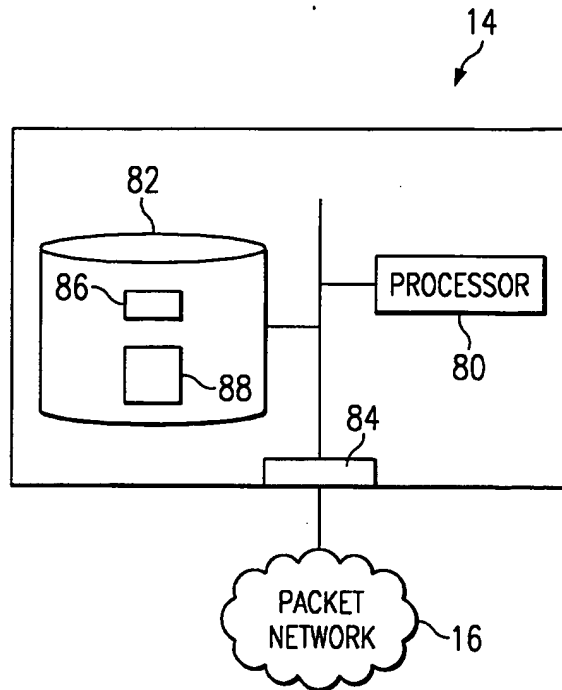


FIG. 4

88

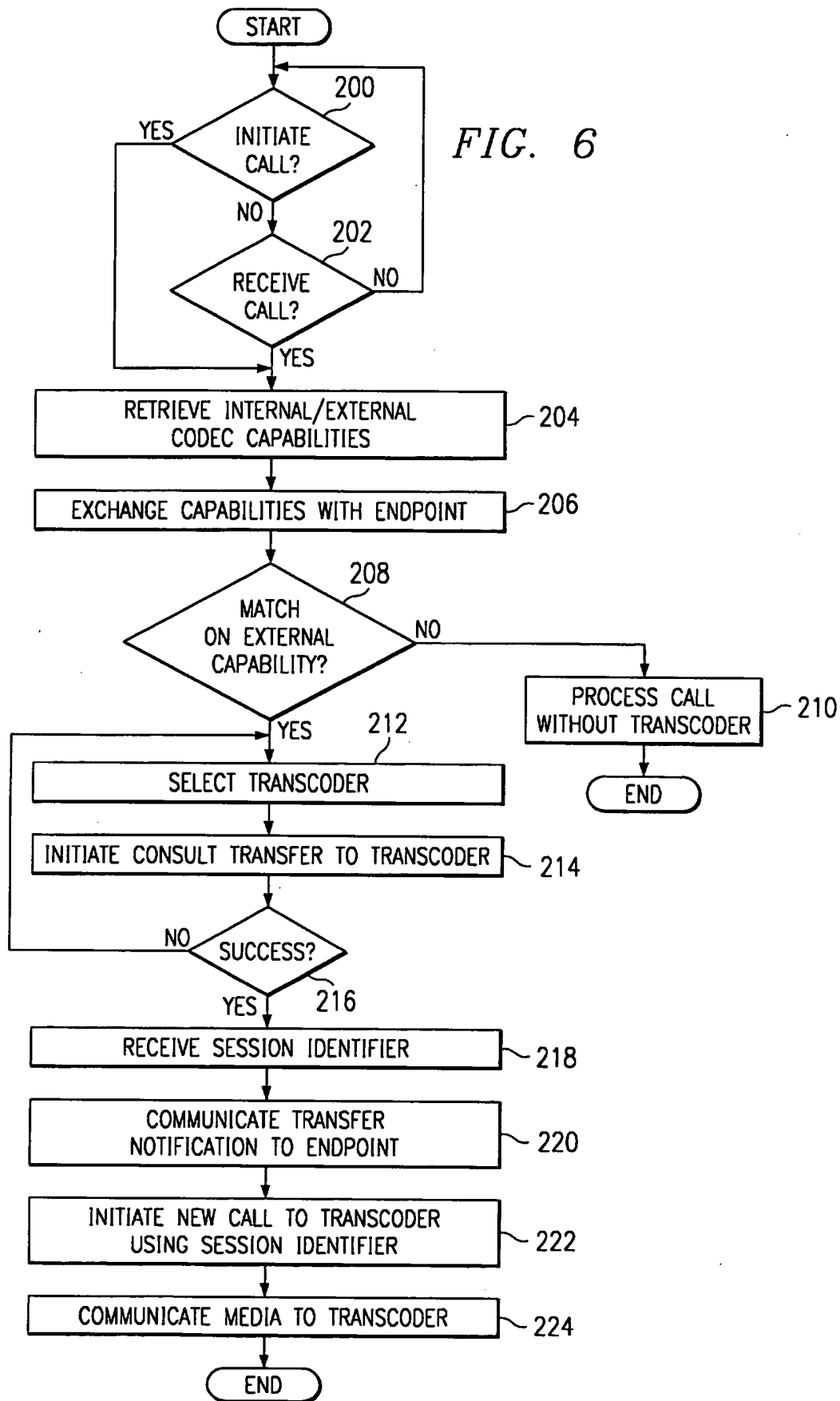
90	92	94	
SESSION ID	ENDPOINT ADDRESS	CODEC	
17	12.1.1.137	G.723	96
19	5.2.3.80	G.723	
19	5.2.3.81	G.729	
22	mike@cisco	G.726	
12	ssorkar@cisco	GSM EFR	
12	12.1.1.193	G.723	
12	8.12.37.126	G.726	
⋮	⋮	⋮	

98 {

100 {

FIG. 5

FIG. 6



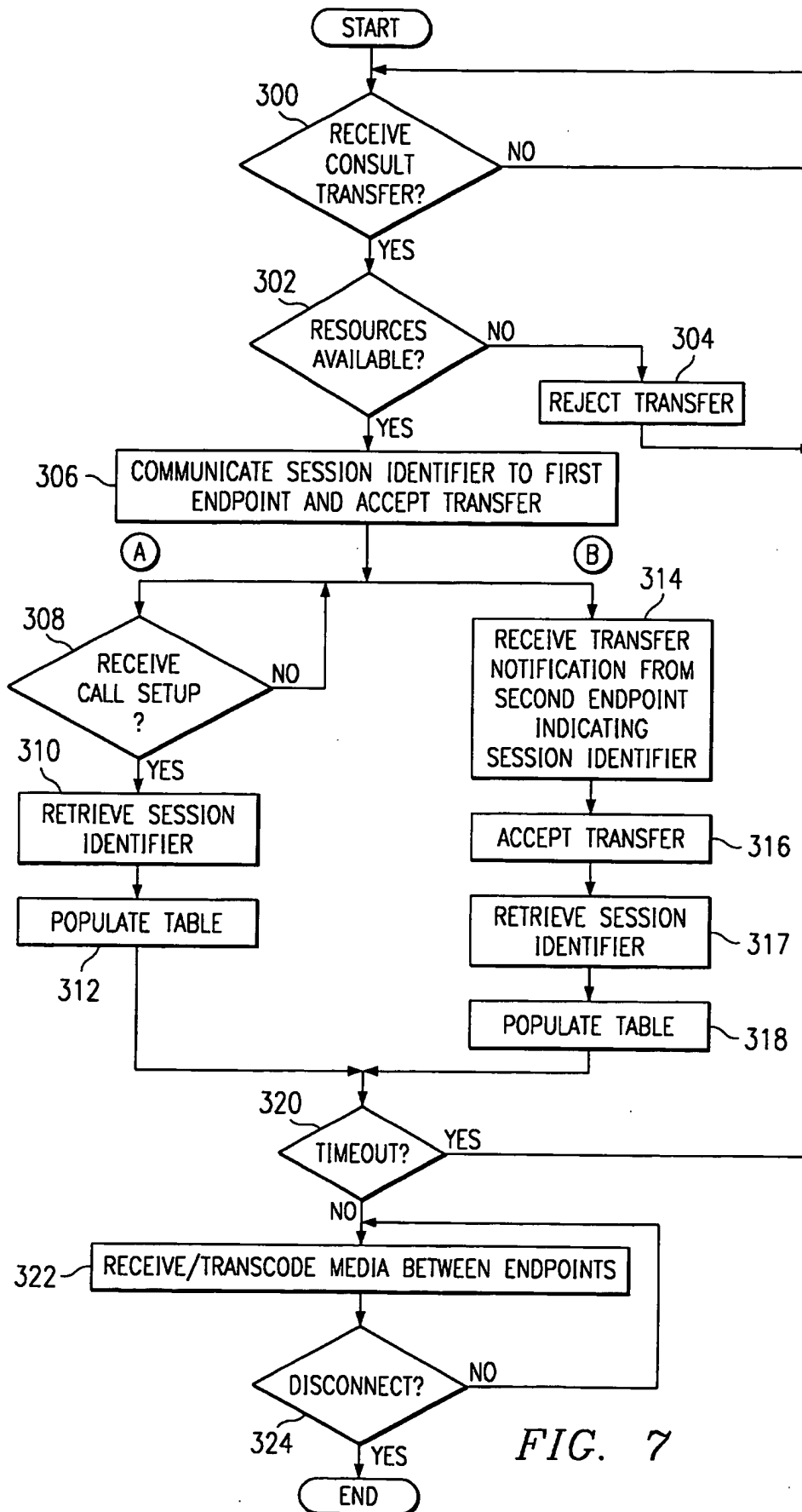


FIG. 7